

CLME+ MOU DRAFTING GROUP SUMMARY REPORT

The Project Steering Committee (PSC) of the UNDP/GEF Caribbean and North Brazil Shelf Large Marine Ecosystems (CLME+) Project met virtually from 16-18 June 2020. The PSC issued the following recommendations regarding a memorandum of understanding (MoU) drafting group:

AGENDA ITEM 5 – DECISION ON THE COORDINATION MECHANISM

SUB-AGENDA ITEM 5.2 - CREATION OF THE COORDINATION MECHANISM

2. Supports the formation of a drafting group, with representation from legal and technical expertise, to advance the work on the draft Memorandum of Understanding for the creation of the Coordination Mechanism.

3. Requests the CLME+ Project Coordination Unit (PCU) to issue a call for interest for participating in the MoU drafting group.

AGENDA ITEM 8 - WAY FORWARD

5. Requests the MoU drafting group to advance its work through electronic means.

Per Recommendation 5.2.3, the CLME+ Project Coordination Unit (PCU) issued a call for interest on July 9 and a reminder on July 22. PSC participants nominated legal and technical experts (see Annex 1), and the Drafting Group was guided and facilitated by the PCU and contractors (see Annex 2).

Per Recommendations 5.2.2 and 8.5, the PCU convened four virtual sessions of the Drafting Group between 6 August and 24 September 2020 (see Annex 3). Before each meeting, participants were invited to review specific sections of the MoU and provide edits and comments through Google Drive. During each meeting, the Drafting Group discussed the edits and comments provided ahead of time, as well as any other relevant issues participants raised.

Where there was a convergence of views, edits to the draft MoU were accepted. Of note, the Drafting Group accepted a number of edits to simplify the MoU, including through deletion of superfluous language. If there was not a convergence of views on proposed edits, the Drafting Group worked to develop alternatives with the aim of identifying one solution that was acceptable to all participants. When participants' views still did not converge, the Drafting Group bracketed options for the PSC's consideration.

The outstanding issues to be resolved include:

- **Commitments** (paragraph 3) – One participant proposed new language for paragraph 3 during the final Drafting Group session. There was not a clear consensus among Drafting Group participants.
- **Steering Group review of Executive Group Decisions** (paragraphs 19.6 and 28.6) – One participant proposed the addition of these paragraphs. There was not a clear consensus among Drafting Group participants.
- **Chair of the Steering Group** (paragraph 27.2) – One participant proposed that the Chair of the Steering Group participate in meetings of the Executive Group, without decision-making capacity. There was not a clear consensus among Drafting Group participants.
- **Legal personality** (paragraphs 43-46) – Three options for the “Legal Personality” section were developed and are detailed in a separate options paper composed by the consultants. The Drafting Group reviewed the options paper and provided input. There was not a clear consensus reached among Drafting Group participants.
- **Consultation** (paragraphs 54-56) – Three options for the “Consultation” section (formerly “Settlement of Disputes”) were developed and are described in a comment box in the draft MoU. There was not a clear consensus among Drafting Group participants.
- **Commencement** (paragraph 58) – The Drafting Group considered the number of Signatories, particularly the number of States and Territories, needed for commencement of the MoU. Two options were developed and are described in a comment box in the draft MoU.

The Drafting Group did not substantively alter the language pertaining to the “Core aspects of the Coordination Mechanism” (as discussed at the virtual PSC). Any edits to this language are minor and are intended to align the language with the rest of the revised draft MoU.

The Drafting Group produced 3 output documents for consideration of the Project Steering Committee:

1. The CLME+ MOU Drafting Group Summary Report
2. Updated draft Memorandum of Understanding (MoU) enabling the Creation of a Coordination Mechanism to Support Integrated Ocean Governance in the Caribbean and North Brazil Shelf Large Marine Ecosystems”
3. Options Paper: The Coordination Mechanism and its Legal Personality

Annex 1. MoU Drafting Group Nominees

Country/Region	Name	Designation
Caribbean Netherlands	Paul Hoetjes	Former policy coordinator nature Caribbean Netherlands for the Ministry of Agriculture, Nature and Food Quality at the National Office for the Caribbean Netherlands; Currently retired
United States	Samantha Dowdell	International Relations Specialist, Office of International Affairs, U.S. National Oceanic and Atmospheric Administration
United States	Iris Lowery	Attorney-Advisor, Office of General Counsel, U.S. National Oceanic and Atmospheric Administration
United States	Katherine Gorove	Legal Adviser, Office of the Legal Adviser, U.S. Department of State
SICA	Mauricio Herdocia	Asesor Jurídico de OSPESCA y reconocido internacionalista
Panama	Liz Montilla	Biologist
UNEP	Lorna V. Inniss	Coordinator, Cartagena Convention Secretariat, Ecosystems Division
Dominican Republic	Nina Lysenko	Directora Recursos Marinos, Ministerio de Medio Ambiente y Recursos Naturales
CARICOM Secretariat	Kareem Sabir	Senior Project Officer, CARICOM Secretariat
Antigua and Barbuda	Tricia Lovell	Deputy Chief Fisheries Officer (Ag), CLME+ NFP
Trinidad & Tobago	Ida Mariana Eversley	Deputy Chief Parliamentary Counsel of the Legislative Drafting Department in Trinidad and Tobago
Panama	Licenciado Osvaldo Rosas	Abogado de la Dirección

Annex 2. Additional MoU Drafting Group Participants

Name	Role in Drafting Group	Designation
Patrick Debels	CLME+ Project Expert	CLME+ Regional Project Coordinator
Laverne Walker	CLME+ Project Expert	CLME+ Senior Project Officer
Angelica Carillo	CLME+ Project Expert	CLME+ Project Management Support Associate
Ivan Pavletich Meza	CLME+ Project Expert	CLME+ Operations and Finance Manager
Yves Renard	Facilitator	Independent Consultant
Robin Mahon	CLME+ Project Expert	Professor Emeritus at University of the West Indies, Cave Hill Campus; GlobalCAD
David Berry	Lead Drafter	Senior Lecturer in Law at University of the West Indies, Cave Hill Campus; GlobalCAD
Steffen Schwörer	Project Lead	GlobalCAD
Johanna Klein	Project Lead	GlobalCAD
Carlos Espósito	Legal Advisor/Legal Translator	Professor of Public International Law, Autonomous University of Madrid

Annex 3. Drafting Group Meeting Logistics

Session	Date(s)/Time(s)	Simultaneous Interpretation	MoU Sections Discussed
1	Thursday, 6 August 2020 9:30am – 11:00am Colombia Time	No	Purple Text (areas where there was known divergence)
2	Wednesday, 2 September 2020 9:30am – 12:00pm Colombia Time Thursday, 3 September 2020 9:30am – 12:00pm Colombia Time	Yes	Blue Text (remaining areas under functions and organs not considered at June PSC meeting)
3	Tuesday, 15 September 2020 9:30am – 12:00pm Colombia Time Wednesday, 16 September 2020 9:30am – 12:00pm Columbia Time	Yes	Black Text (remaining sections of MoU)
4	Thursday, 24 September 2020 9:30am – 12:00pm Colombia Time	Yes	All unresolved issues